



Santa Barbara County Farm Bureau

Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation

December 28, 2010

Via First-Class Mail & Email

AgOrder@waterboards.ca.gov

Jeffery S. Young, Chairman of the Board
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, Ca. 93401

Re: CCRWQB Request for Public Comment on Preliminary Draft Agricultural Order
Dated November 19, 2010

Dear Mr. Young:

The Santa Barbara County Farm Bureau represents over 700 diversified agriculturalists in Santa Barbara County. Agriculture continues to be the county's major producing industry, with a gross annual production valued at over \$1.7 billion dollars. It provides a strong base for our economy and through the multiplier effect has a local impact in excess of \$2.2 billion dollars.

Our members supported the initial Conditional Ag Waiver that your Board adopted in 2004, which focused on collaboration in achieving improvement in water quality over time. Compliance with the 2004 Conditional Waiver resulted in significant achievements, including a high percentage of growers enrolling in the program. They participated in numerous education and outreach programs along with the development and implementation of Farm Plans that focused on the management of their distinct operations.

Thank you for the opportunity to comment on the latest draft proposal from Staff dated November 19, 2010, regarding the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated lands.

We are surprised and disappointed in the breadth and scope of Staff's current proposal following comments from the Board during the workshops held in both May and July. We were encouraged by the Boards directives and comments during those workshops. Those comments included, but were not limited to accomplishing water quality improvement over time, not trying to accomplish the impossible within the 5 year span of the waiver and also prioritization of surface water nitrates and toxicity within the next 5 years, while attention to sediment could follow in subsequent waivers.

We understand Staff's use of Tiers in their current proposal to differentiate between the diverse agricultural operations found throughout Region 3 and their potential impacts to water quality. We are extremely concerned with the lack of clarity concerning the requirements of those tiers and their triggers. For impacts to water quality to occur both the transport method and the constituent need to be present. Several of Staff's tier triggers do not account for either of these, making it difficult to prioritize operations based on risk to water quality. The 1,000 acre and 1,000ft proximity to a 303d water body threshold are examples of these requirements. They are problematic because they are based on scale and location, not actual risk to water quality.

We believe the monitoring portion of Staff's proposal needs to be worked on both by staff and growers so a meaningful program can be put together that will address milestones and timelines. Focus on two constituents of concern, Chlorpyrifos and Diazinon in the most impaired areas of the Region. Staff's current proposal regarding monitoring and reporting is confusing. In one section the term "Receiving Water Quality Monitoring" is used, which we believe is similar to the existing Cooperative Monitoring Program. In another section the term "Monitoring Requirements

For all Dischargers” is used. If the latter term is used as part of monitoring groundwater, then Staff assumes all growers contribute to groundwater impairment regardless of irrigation type and method. This is simply not the case and will create a huge amount of unnecessary reporting. A concerted effort is needed to understand the complexities of groundwater and any impairment that may exist in different areas throughout the Region. Additional research is needed to fully understand ongoing monitoring programs and the information they provide related to groundwater before a costly monitoring program is put into place. Stormwater sampling is currently done monthly and includes two stormwater events. Staff’s proposal calls for 12 monthly samples plus 2 storm water events. This will increase the cost of monitoring substantially without adding any meaningful new data.

We understand the concept of individual reported on farm monitoring, but feel there are alternatives that should be explored with growers within the region. The Agricultural Alternative calls for the use of best management practices to improve water quality in highly impaired areas. We believe it would be extremely helpful if Staff and the growers in those areas worked together on developing the accountability of those practices as an alternative to individual on farm monitoring. There are currently no other regions within the State that require individual reported on farm monitoring. It is not cost effective and does nothing to improve water quality.

The Staff proposal also calls for quarterly and 6 storm water tests a year at CMP sites for fecal coliform and E. coli. This testing is not necessary due to ample evidence that either class of pathogen is present in irrigated agricultural discharges. Metals are also not used in agricultural operations and should be removed from any testing or monitoring requirements. Phenols should also be removed from the list of parameters and tests as there is no evidence that they cause toxicity or other impairments as a result of agricultural runoff.

We believe Staff has done their best to follow your Boards directive in writing a new proposal for the irrigated lands regulatory program by November 19, 2010. It is evident that staff needed more time to insure their intent was properly conveyed within the language of their proposed new Conditional Ag Waiver.

The Ag community has only been able to meet with Staff on one occasion since the Board workshops held last May and July to discuss the latest proposal from Staff, along with a comparison of an alternate proposal put forward by members of the agricultural community in Region 3. Members of the agricultural community representing many different commodities and geographic areas from within the boundaries of Region 3 met and spent countless hours writing a proposal based on best management practices as a means to address the water quality issues within the region. The Santa Barbara County Farm Bureau appreciates Staff taking time to meet and discuss the merits of both proposals.

I believe we had the beginnings of a constructive dialogue and we look forward to continuing those discussions to insure a scientifically based, equitable Conditional Ag Waiver is adopted by your Board.

Sincerely,



Kevin Merrill, President
Santa Barbara County Farm Bureau

cc: Russell M. Jefferies, Vice Chair
Monica S. Hunter, Board Member
David T. Hodgins, Board Member
John H. Hayashi, Board Member
Mr. Roger Briggs, Executive Officer
Ms. Angela Schroeter, Agricultural Regulatory Program Manager
Mr. Howard Kolb, Agricultural Order Project Lead Staff